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SUMMARY RECORD OF THE 25TH MEETING

Chairman: Mrs. ESPINOSA (Mexico)

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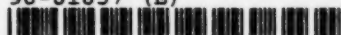
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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 108: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)
(A/51/3 (Parts I and II), A/51/18, A/51/90, A/51/301, A/51/427, A/51/430,
A/51/435, A/51/541, A/51/462-S/1996/831)

AGENDA ITEM 109: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/51/392,
A/51/414, A/51/532-S/1996/864)

1. Mr. BIGGAR (Ireland), speaking on behalf of the European Union and also Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania and Slovakia, said that racism and racial discrimination were an affront to human dignity. The Universal Declaration of Human Rights proclaimed that all human beings were born free and equal in dignity and rights and that everyone was entitled to all the rights and freedoms set forth in the Declaration without distinction of any kind such as race, colour or national origin, yet violations continued daily. Governments must therefore promote the full and equal participation of everyone in all aspects of society and establish a climate of tolerance and understanding. Human rights education was essential to that end.

2. It was not sufficient to deplore ethnic hatred, it was also necessary to combat it. The sinister practice of ethnic cleansing, which had re-emerged in the former Yugoslavia, was characterized by mass killings, forced relocation and efforts to change the demographic character of many areas. The European Union condemned all forms of ethnic cleansing and reiterated that no peace agreement could absolve those who participated in such acts. Racial and ethnic hatred was the chief cause of the genocide in Rwanda, the conflict in Burundi, the disastrous humanitarian situation in eastern Zaire and the tensions that divided many other countries. Whenever racial violence occurred, an impartial and reliable judicial system must be established to tackle it. In Rwanda and the former Yugoslavia, those responsible for human rights violations must be brought to justice either in the national courts or before the international tribunals established for that purpose.

3. The European Union had contributed to the human rights field operations in Rwanda and Burundi and believed that the convening of a regional conference on peace, security and stability in the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity, would help to solve the region's problems. It therefore hoped that the necessary preparations for such a conference could be put in hand urgently.

4. The European Union reiterated the need to establish a permanent international criminal court which could help to deter serious crimes, such as violations of international humanitarian law, and to ensure that those responsible for such crimes were brought to justice. Early warning measures to both prevent and respond to ethnic violence and conflicts were essential. The European Union believed that the Committee on the Elimination of Racial Discrimination and other treaty-monitoring bodies could contribute to such measures and encouraged further cooperation between that Committee and other

relevant mechanisms in order to contribute to the success of the Third Decade to Combat Racism and Racial Discrimination.

5. The European Union supported the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in bringing to the attention of the international community situations which required study and action. The European Union deplored such phenomena, which were not the result of government policies but of actions by individuals or groups of individuals, and reaffirmed its commitment to combating such behaviour.

6. During 1997, which the European Union had designated as European Year against Racism, the European Union would implement measures that would complement the measures already taken against racism and foster a climate of tolerance and acceptance. In that framework, it would cooperate with the Council of Europe in opposing any manifestations of racism or xenophobia that threatened the human rights of all its people.

7. Turning to agenda item 109, the European Union reaffirmed its recognition of the right of self-determination set out in the Covenants on International Human Rights and reaffirmed in the Vienna Declaration and Programme of Action of the World Conference on Human Rights. Denial of that right was a human rights violation, and its exercise was contingent on the enjoyment of all other human rights, notably political rights, the right to freedom of expression and the right to freedom of peaceful assembly and association.

8. In order to determine their own destiny, all individuals must be able to participate in public life and to exercise that right without fear of reprisal. The European Union reaffirmed its belief that democracy was essential for the protection of all human rights and that efforts by Governments to strengthen the rule of law and democratic institutions could help to avert serious crises. Respect for the human rights of minorities was also essential.

9. The European Union had consistently supported the Middle East peace process and believed that any settlement aimed at achieving a just, comprehensive and lasting peace must be based on the principles of self-determination for the Palestinians and "land for peace". It hoped that, within the framework of that process, the sovereignty, independence and territorial integrity of Lebanon would soon be restored.

10. The European Union continued to support efforts aimed at the holding of a free and impartial referendum in Western Sahara. With respect to Cyprus, it reiterated that the status quo was unacceptable, reaffirmed its support for the efforts of the Secretary-General and his Special Representative to find a lasting solution in accordance with the relevant United Nations resolutions, and called for intensified efforts to promote a comprehensive political settlement.

11. The European Union had committed itself to the pursuit of a fair, comprehensive and internationally acceptable solution to the question of East Timor which fully respected the interests and legitimate aspirations of the East Timorese people, in accordance with international law. It deplored the total disregard by the authorities of Myanmar for the aspirations of the people, as

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expressed in the May 1990 elections and called upon those authorities to take immediate steps to restore democratic institutions, enter into a political dialogue with opposition leaders, release all political prisoners and implement fundamental reforms.

12. Lastly, the issues which he had touched upon on behalf of the European Union were universal and resolving them was fundamental in compliance with the Charter of the United Nations and to the well-being of humanity.

13. Mr. XIE Bohua (China) said that, despite the progress achieved in the elimination of racism and racial discrimination, discrimination, prejudice and intolerance still existed in some countries, xenophobia and neo-Nazism were spreading in some developed countries, and violence and conflicts caused by ethnic contradictions were threatening the safety of tens of millions of people. The United Nations should adopt effective measures and means in order to vigorously support the work of the Committee on the Elimination of Racial Discrimination and other relevant United Nations mechanisms.

14. According to the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/51/301), such manifestations had profound and complex historical, political, social, economic and even religious causes which should be removed by taking measures to achieve genuine equality, human rights and fundamental freedoms among all racial or ethnic groups.

15. The right of peoples to self-determination was the basic precondition for the enjoyment of all human rights and fundamental freedoms. That right was applicable to peoples under colonial rule or foreign occupation, however, and should not be used to encroach upon the sovereignty, territorial integrity and political unity of a country. A biased interpretation of that right could trigger or aggravate ethnic conflicts and social unrest and even threaten international peace and security.

16. China believed that the key to peace and stability in the Middle East was the restoration of the legitimate rights of the Palestinian people, including its right of self-determination. If the peace process in that region was to move forward, the parties concerned must base themselves on the relevant United Nations resolutions and resolve their differences through political negotiations, according to the principle of "land for peace".

17. China was a country with 56 ethnic groups. Of its population of 1.2 billion people, almost 100 million belonged to ethnic minorities. The Constitution clearly stipulated that all ethnic groups were equal. The State protected the rights and interests of ethnic minorities and promoted equality, unity and mutual assistance among all ethnic groups. Discrimination against and oppression of any ethnic group were prohibited. The Government had implemented legislative and administrative measures guaranteeing the country's minorities the rights to participate in the conduct of State affairs on an equal footing, to use their own language, and to practise their religion and customs. As a result, tremendous economic and social progress had been made in ethnic minority areas. In a world where many countries and regions were affected by ethnic

contradictions, China had managed to preserve national unity, social stability and progress.

18. Mr. GARCÍA MORITÁN (Argentina) said that Argentina deeply appreciated the Special Rapporteur's efforts and work and joined in calling for him to be given greater financial and human resources in order to discharge his mandate.

19. The obligations assumed by States under the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination derived from principles on which the international community was founded. Various resolutions adopted by the General Assembly had proclaimed that the prevention of discrimination and the protection of minorities were two of the most important aspects of United Nations activities, and the International Court of Justice had widely recognized the need to respect the principle of non-discrimination. Forms of racial discrimination had gradually changed over time and the victories won in that regard had proved that the efforts made had not been in vain.

20. The international community was currently facing different, although not unfamiliar, problems, namely, the break-up of political entities, conflicts based on religious ideology, the repercussions of the apartheid policies applied in the past and human rights violations engendered by racial and ethnic hatred. States participating in the 1993 World Conference on Human Rights had proclaimed unanimously in the Vienna Programme of Action that the fight against discrimination extended to all its manifestations. In accordance with the objectives set forth in the Universal Declaration of Human Rights, education was a basic commitment for combating discrimination, and the Declaration established that it must promote understanding, tolerance and friendship among all nations and all racial or religious groups.

21. His Government had set itself the obligation of promoting the full and equal enjoyment of human rights and fundamental freedoms in Argentina, an obligation that was enshrined in the current legal system.

22. The Discrimination Act promulgated on 21 August 1988 provided that civil proceedings could be instituted, at the request of the interested party, against anyone who arbitrarily harmed, restricted or in any way undermined the full and equal exercise of fundamental rights and guarantees, particularly through discriminatory acts or omissions on grounds of race, religion, nationality, ideology, political opinion or union affiliation, sex, financial situation, social status or physical traits. In such cases, the author of the violation would be compelled to annul or desist from the discriminatory act and to compensate for the psychological and material injury caused. The Act also stiffened the penalties set forth in the Penal Code.

23. The National Programme against Discrimination had been launched in 1993. It was designed to increase public awareness of the problems faced by persons who were victims of discrimination and to help bring about a change in society's discriminatory attitudes. It was also designed to support the programmes of relevant non-governmental organizations.

24. In addition to according constitutional rank to a number of human rights treaties, the constitutional reform carried out in 1994 had included acts or omissions involving any kind of discrimination among the grounds for invoking the remedy of amparo. On 5 July 1995, the Congress of the Nation had adopted Act No. 24.515 establishing the National Institute against Discrimination, Xenophobia and Racism, a decentralized entity under the authority of the Ministry of the Interior, to design national policies and specific measures for combating those evils.

25. The recent desecrations of Jewish cemeteries in Argentina were racist attacks that had been repudiated by the Argentine society without exception. The police were conducting a thorough investigation in order to expose and bring to justice the anti-democratic elements that had committed such a serious affront. He wished to reiterate that it was essential to prevent the resurgence of intolerance, anti-Semitism and xenophobia in contemporary society, whatever form they might take.

The meeting rose at 3.45 p.m.